IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12841 of 2004

Between:

P.S.S.Sarma, S/o.Late P.V.Sastry,
R/o.D.No.4/1028, Rajupeta, Machilipatnam, Krishna Dist.

..... PETITIONER

AND

1 The Regional Joint Director of School Education, Kakinada, E.G.Dist.
2 The Dist.Educational office, Krishna, Machilipatnam, Krishna Dist.
3 The Secretary & Correspondent, Anniebesant Sisu Vidya Mandiram, High School, Edepalli, Machilipatnam, Krishna .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the 3rd respondent to implement the orders of the 1st respondent in proceedings L.Dis.No.146/B1/2003 dated 9-3-2004 and further declare the action of the 3rd respondent as arbitrary. illegal, capricious, abuse of exercising power, violation of principles of natural justice and also in violative of Article 14, 21 and 300A of the Constitution of India and pass such other orders.

Counsel for the Petitioner: MR.V.V.PRABHAKARA RAO

Counsel for the Respondent No.1 to 3: GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

The petitioner worked as an aided junior assistant in the 3rd respondent school. Initially he worked as an unaided junior assistant from 1983 to 1995. On 2-11-2002, he submitted his resignation letter to the 3rd respondent. Within few days he realized his mistake and submitted a letter on 7-11-2002 withdrawing the resignation letter dated 2-11-2002.

The learned counsel for the petitioner contends that the management of the 3rd respondent without taking into consideration the withdrawal letter dated 7-11-2002, resorted to accept the resignation through its proceedings dated 28-12-2002. Aggrieved by the said order of the 3rd respondent, the petitioner preferred an appeal to the 1st respondent under Section 80 of the AP Education Act, 1982.

The first respondent after receiving a report from the 2nd respondent and after verifying the entire record allowed the appeal by directing the 3rd respondent to reinstate the petitioner to the post of Junior Assistant through its proceedings dated 9-3-2004. The material part of the order of the first respondent is as follows:

> *"The management is directed to allow the appellant to re-join duty on humanitarian grounds subject to production of the declaration of the appellant to the effect that he has to work sincerely without applying frequent leaves."*

The learned Counsel for the petitioner contends that after receipt of the order from the 1st respondent, the 3rd respondent did not implement the same and did not permit the petitioner to report to duty. The petitioner, therefore, approached this Court through this writ petition seeking a direction to the 3rd respondent for implementation of the order of the 1st respondent immediately.

After taking into consideration the above circumstances, I find any amount of justification in the request of the petitioner for a direction on account of the inaction on the part of the 3rd respondent in implementing the order of the first respondent.

The 3rd respondent is, therefore, directed to implement the order of the 1st respondent dated 9-3-2004 immediately by reinstating the petitioner into service as an aided junior assistant of the said institution and permit him to join duty without any further delay.

The writ petition is accordingly disposed of. No order as to costs.

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03-08-2004

Note:

Issue CC by

One week

(B/o)

rkk

1 The Regional Joint Director of School Education, Kakinada, E.G.Dist.
2 The Dist.Educational office, Krishna, Machilipatnam, Krishna Dist.
3 The Secretary & Correspondent, Anniebesant Sisu Vidya Mandiram, High School, Edepalli, Machilipatnam, Krishna

4. Two CCs to GP for Education.

5. Two CD copies.